

# **Chapter 38**

## **City of Martinsville**

### **Fire Prevention Ordinance**

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**ARTICLE I. – GENERAL REQUIREMENTS**

**Sec. 38-101. – Title**

This (Ordinance) and all material included herein by reference shall be known as the Fire Prevention Ordinance of Martinsville, Indiana.

**Sec. 38-102. – Purpose**

The purpose of this Ordinance is to protect life, public safety, environment, health and general welfare of the citizens of Martinsville Indiana, and shall be construed in such a manner as to effectuate this purpose.

**Sec. 38-103. – Authority**

The Fire Chief, Fire Marshal, or the Fire Chief’s designee, are hereby authorized and directed to administer and enforce the following:

1. All of the provisions of this Ordinance.
2. Variances granted in accordance with IC 22-13-2-11.
3. Orders issued under IC 22-12-7.

**Sec. 38-104. – Applicability.**

The provisions of this Ordinance are supplemental to the Indiana General Administrative Rules (GAR), Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code as adopted by the Indiana Fire Prevention and Building Safety Commission. The provisions of this Ordinance shall apply to maintenance of fire and life safety features as herein described. The provisions of this Ordinance shall apply to existing conditions as well as to the conditions arising after the adoption thereof.

**Sec. 38-105. – Conflicting Provisions**

If any provision of this Ordinance is found to be in conflict with any building, zoning, safety, health, or other applicable law or ordinance of the City of Martinsville, Indiana, whether existing on the effective date of this Ordinance or later adopted, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public applies.

**Sec. 38-106. – Severability**

If any provision of this Ordinance be declared invalid, by a court of competent jurisdiction, for any reason, the remaining provisions shall not be affected, if such remaining provisions can, without the invalid provision or provisions be given their original intended effect in adopting this ordinance. To this end, the provisions of this Ordinance are severable.

**Sec. 38-107. – Minimum standards.**

- (a) All safety rules of the Indiana Fire Prevention and Building Safety Commission as set out in Articles 12, 13, 18, 22, and 25 of Title 675 of the Indiana Administrative Code are hereby incorporated in this Ordinance, and shall include later amendments to that article as published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein.
- (b) Any special processes or procedures not addressed in 675 IAC 22 or this Ordinance shall be subject to applications found in the fire safety standards recognized by Indiana Fire Code 675 IAC 22, references standards and as approved by the Fire Chief or appointed designee.
- (c) Any special processes or procedures not addressed in this Ordinance shall be subject to applications found in the current editions of the National Fire Protection Association standards or other recognized fire safety standards, subject to the rules of the Indiana Fire Prevention and Building Safety Commission.
- (d) A current copy of these standards shall be available in the office of each Fire Prevention Bureau for inquiry and review by the public during normal business hours.

**Sec. 38 – 108. - Effect of Adoption on Prior Ordinance**

The expressed or implied repeal of amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Such rights, liabilities and other proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

**Sec. 38 – 109. - Definitions**

As used in this Ordinance, the following terms shall have the meanings ascribed to them in this section.

"Advanced Structural Components" means lightweight I-joists or lightweight roof trusses that: (1) have less mass cross-sectional area than sawn lumber of equivalent proportions used in an equivalent application; and (2) are assembled from combustible or noncombustible materials, or both. The term does not include a structural assembly, joist, or truss that provides at least one (1) hour of fire resistance when tested in accordance with the ASTM Standard E119."

"Alarm System" of "Fire Alarm System" means any device for the detection of an unauthorized entry or attempted entry into a building, Structure, facility or grounds, or for alerting others of the city of an unlawful act or a fire within a building, structure, facility or grounds, which when activated causes notification to be made directly or indirectly to the Morgan County Public Safety Dispatch, Police Department or Martinsville Fire Department. For the purposes of this Ordinance, an alarm system shall not include:

- (1) An alarm installed on a motor vehicle; or
- (2) An alarm which signals or alerts only the occupants of the premises protected by the alarm system, including an alarm located on a private residence if the only response on activation of the alarm system is a sounding alarm that automatically stops within 15 minutes after activation.

"ASTM" means the American Society for Testing and Materials.

"Building Code"; means Indiana Building Code (675 IAC 13).

"Class 1 Structure"; means buildings and Structures as defined in IC 22-12-1-4.

"Class 2 Structure"; means buildings and Structures as defined in Concur 2 SEA 393 IC 22-12-1-5.

"Commission"; means Indiana Fire Prevention and Building Safety Commission as established by IC-22-12-2.

"Crowd Manager"; has the meaning as ascribed in 675 IAC 22.

"Division of Fire and Building Safety"; means Division of Fire and Building Safety of the Indiana Department of Homeland Security created pursuant to IC 10-19-7.1.

"Fire Chief"; means the chief officer of the Martinsville Fire Department and the City of Martinsville Fire Prevention Bureau.

"Fire Code"; means Indiana Fire Code (675 IAC 22).

"Fire Watch"; means a person or persons who are assigned to monitor an area for watching fires or the outbreak of fires in accordance with this Chapter and Chapter 38 of the City of Martinsville Municipal Ordinances.

"Martinsville Fire Department"; has the meaning given to such term in IC 22-12-1-12 and specifically means the Martinsville Fire Department that renders fire prevention and protection services to the City of Martinsville and Washington Township of Morgan County.

"Fire Prevention Bureau"; means the Fire Prevention Bureau established by this Ordinance for the City of Martinsville.

"Fire Marshal"; means the administrative head of a Fire Prevention Bureau appointed pursuant to Section 38-202 or 38-203 of this Ordinance.

"Fuel Gas Code"; means Indiana Fuel Gas Code (675 IAC 25).

"GAR"; means General Administrative Rules (675 IAC 12) of the Indiana Fire Prevention and Building Safety Commission.

"Hazardous condition"; means the presence of a structural condition, equipment, utility connection, or materials which constitutes or poses a recognized threat of fire or other injury to persons or property.

"IAC"; means Indiana Administrative Code.

"IC"; means Indiana Code of the Indiana General Assembly.

"Mechanical Code"; means Indiana Mechanical Code (675 IAC 18).

"Notice of Violation"; means a written notice issued by the Martinsville Fire Department usually in the form of an inspection report listing violation(s).

"Owner"; has the meaning ascribed thereto in 675 IAC 22.

"Person "; has the meaning ascribed thereto in IC 22-12-1-18.

"Qualified Person"; means a person who either holds current National Institute for Certification in Engineering Technologies (NICET) certification in the fire protection system being installed, serviced or repaired, or has successfully completed a course of instruction specific to the equipment being installed, serviced or repaired. Such instruction shall have been approved by the manufacturer of the equipment or their authorized representative.

"Qualifying Property" means any property subject to this Ordinance.

"Structure" means a Class 1 or Class 2 Structure.

**"Terms not defined":** Where terms are not defined in this Ordinance and are defined in the General Administrative Rules, Indiana Building Code, Indiana Fire Code, Indiana Mechanical Code and Indiana Fuel Gas Code, such terms shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized, such terms shall have ordinarily accepted meanings such as the context implies.

## **ARTICLE II. – ADMINISTRATION AND ENFORCEMENT**

### **DIVISION 1. - Organization**

#### **Sec. 38-201. – Organization of the Martinsville Fire Department Fire Prevention Bureau.**

The Fire Prevention Bureau of the Martinsville Fire Department shall be under the supervision of the Fire Marshal appointed pursuant to the applicable personnel rules of the Martinsville Fire Department under Chapter 2 of the City of Martinsville Municipal Code.

#### **Sec. 38-202. - Fire Prevention Bureaus established; jurisdiction**

As authorized by IC 36-8-17, there is hereby established a local Fire Prevention Bureau within the City of Martinsville Fire Department and within Washington Township located within Morgan County that is completely within the boundaries of the City of Martinsville.

#### **Sec. 38-203 – Enforcement Authority**

The Fire Chief, Fire Marshal, or the Fire Chief's designee, shall possess the authority to enforce the provisions of this Ordinance, the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, or any other rule of the Commission. Such enforcement shall include, but is not limited to:

- (1) The prevention of fires.
- (2) The handling, storage, sale, and use of flammable liquids, explosives, combustible, and hazardous materials.
- (3) The adequacy of means of egress from all places in which numbers of people live, work, or congregate from time to time for any purpose.
- (4) The location, installation, and maintenance of smoke alarms, Fire Alarm Systems, and fire suppression systems.
- (5) The existence of recognized hazardous conditions that present a clear and immediate hazard to life and property.

The Fire Chief, Fire Marshal, or the Fire Chief's designee, shall have the authority to initiate legal action in accordance with locally prescribed remedies applicable to violations of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Ordinance, or any other rule of the Commission. Violators of this Ordinance may be cited into any court having jurisdiction.

#### **Sec. 38-204. – Authority at fires and emergencies.**

The Fire Chief or such designated officer of the Martinsville Fire Department in charge at the scene of a fire or other emergency involving the protection of life or property, or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the Fire Chief is authorized to prohibit any person, vehicle or vessel from approaching the scene, and is authorized to remove, or cause to be removed or kept away from the scene, any person vehicle or vessel which could impede or interfere with the operations of the Martinsville Fire Department and, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

#### **Sec. 38-205. – Emergency lines and limits.**

- (a) Barricades. The Fire Chief or such designated officer of the Martinsville Fire Department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or

private property in the vicinity of such emergency so as to prevent accidents or interference with the lawful efforts of the Martinsville Fire Department to manage and control the emergency and to handle fire apparatus.

- (b) Obstructing operations. No person shall obstruct the operations of the Martinsville Fire Department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the Fire Chief or officer of the Martinsville Fire Department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the Martinsville Fire Department.
- (c) Systems and devices. No person shall render a system or device inoperative during an emergency unless by direction of the Fire Chief or Martinsville Fire Department official in charge of the incident.

**Sec. 38-206. – Fire investigations.**

(a) The Fire Chief, Fire Marshal, or the Fire Chief’s designee shall perform fire investigations pursuant to IC 36-8-17-7. The Fire Chief, Fire Marshal, or the Fire Chief’s designee is authorized to conduct an origin and cause investigation of all fires and explosions within the service district or Morgan County.

(b) It shall be unlawful for any person to impede the Fire Chief, Fire Marshal, or the Fire Chief’s designee, from conducting an origin and cause investigation.

**Sec. 38-207 – Fire and Life Safety Inspections**

(a) The Fire Chief, Fire Marshal, or the Fire Chief’s designee shall conduct fire and life safety inspections in Class 1 Structures pursuant to IC 36-8-17-8.

(b) The Fire Chief, Fire Marshal or the Fire Chief’s designee, shall inspect Class 1 Structures as often as necessary for the purpose of ascertaining and causing to correct any violation of the Indiana General Assembly Rules, Indiana Fire Code, Indiana Building Code, Indiana Fuel Gas Code, this Ordinance or any other rule of the Commission.

**Sec. 38-208. - Emergency Entry**

(a) The Martinsville Fire Department shall have the right to enter any building or premise without permission or warrant in the event of any emergency situation constituting a threat to human life, property or public safety for the purpose of eliminating, controlling or abating the dangerous condition or situation.

(b) At no time will the City of Martinsville, Martinsville Fire Department or any of its agents be responsible for any damages as a result of an emergency entry, The Martinsville Fire Department or the Morgan County Dispatch Center will notify the owner / occupant of the event and it will be the responsibility of the owner /occupant to assure that the building is re-secured.

**DIVISION II. - INSPECTIONS AND INVESTIGATIONS**

**Sec. 38-221 – Right to Enter Buildings**

Authorized personnel of the Martinsville Fire Department may, at all reasonable hours, enter any Structure (except one and two-family dwellings) within the City of Martinsville or Washington Township in Morgan County for the purpose of conducting inspections or investigations pursuant to this Ordinance. The right to enter shall extend to new Structures under construction as well as to existing Structures being renovated or remodeled. An inspector or investigator may be required by the owner or occupant to produce satisfactory proof of authority or identity. If an inspector or investigator is denied access, the fire marshal may apply to a court of competent jurisdiction for an order allowing inspection.

**Sec .38-222. - Fire and life safety inspections; fees.**

(a) The Martinsville Fire Department shall perform fire and life safety inspections in Class 1 Structures under the administrative supervision of the Fire Chief pursuant to IC 36-8-17.

- (b) The Martinsville Fire Department may, as often as may be reasonably necessary inspect every Structure, building, place and public way, except the interiors of class 2 Structures, for compliance with fire safety laws adopted by the Indiana Fire Prevention and Building Safety Commission and this Ordinance.
- (c) Upon the request of an owner or a primary lessee who resides in a private dwelling, the Martinsville Fire Department may inspect the interior of the private dwelling to determine compliance with IC 22-11-18-3.5 and all other applicable law and regulations.
- (d) The fees for Martinsville Fire Department inspections performed under this section shall be provided in Section 38-901 of the local ordinance.
- (e) Following the issuance of an inspection report that contains a violation of a fire safety law, pursuant to the enforcement procedures under section 38.203 of this ordinance, the Martinsville Fire Department may re-inspect a structure, building or place to ensure the violation has been remedied. If a violation cited in the inspection report is not remedied upon the Martinsville Fire Department re-inspection, the owner or, if applicable, primary lessee of the structure, building or place shall be subject to the fee provided in Section 38-901 of the ordinance for any subsequent re-inspections of such violation.

**Sec. 38-223 – Determination of Violation**

Whenever the Fire Chief, Fire Marshal or the Fire Chief’s designee, determines by inspection that an apparent or actual violation of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, any other rule of the Commission or a hazardous condition exists upon any Class 1 Structure within the Martinsville service area, the person making such determination shall issue such Notice of Violation or order as may be necessary for the enforcement of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other rule of the Commission.

**Sec. 38-224 – Notice of Violation**

Under IC 36-8-17-9, an order of enforcement of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Ordinance, or any other rule of the Commission, which is within the jurisdiction of the Fire Chief, Fire Marshal or the Fire Chief’s designee, may seek the correction of any violation or the elimination of any hazardous condition by the methods specified in this Ordinance or by any other appropriate remedy or procedure provided by law. The failure of the Martinsville Fire Department to inspect or to issue a Notice of Violation or order in accordance with this Ordinance shall not constitute approval of any violation or non-compliance. Any Notice of Violation or order issued pursuant to this section shall be conveyed upon the owner, operator, occupant, or other person responsible for the building or property. Conveyance of such order shall be by one of the following methods: Personal service (by affixing a copy thereof in a conspicuous place at the entrance of said building or premises), by mailing a copy thereof to such responsible person by first-class mail to his or her last known address, by fax, or electronic mail pursuant to IC 4-21.5-3.

**Sec. 38-225 – Imminent Danger.**

The Fire Chief, Fire Marshal or the Fire Chief’s designee, may stop an operation or require the evacuation of any Class 1 Structure or portion thereof under the provisions of IC 36-8-17-9 when it is determined that conduct or conditions of the property:

1. Present a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser.
2. Is prohibited without a permit, registration, certification, authorization, variance, exemption, or other license required under IC 22-14, another Indiana statute or rule of the Commission; or
3. Will conceal a violation of law.

### **Sec. 38-226 –Duty to Correct Violations**

The owner or person in control of any premises or building upon which a violation or hazard exists shall:

1. Cease and correct the violation.
2. Protect persons and property from the hazards of the violation.

### **Sec. 38-227 – Time Limit**

Orders shall set forth a time limit for compliance dependent upon the hazard created by the violation(s).

### **Sec. 38-228 - Appeal from Orders**

An owner or occupant who remains aggrieved by an order or decision issued pursuant to this Fire Prevention Ordinance and the matter involves a rule of the Indiana Fire Prevention and Building Safety Commission, may appeal to the Indiana Fire Prevention and Building Safety Commission as set forth by IC 36-8-17.

### **Sec. 38-229 – Local Ordinance Appeals Process**

- (a) The Fire Chief or Fire Marshal of either Fire Prevention Bureau, on the complaint of any person or wherever he or they shall deem it necessary, shall inspect all buildings and premises within their jurisdiction. Whenever any of said officers shall find any building or other Structure which, for want of repairs, lack of or insufficient fire escapes, automatic or other fire alarm apparatus, or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property or the occupants thereof, or whenever such officer shall find in any building combustible or explosive matter or flammable conditions dangerous to the safety of such building or the occupants there of, he or they shall order such dangerous conditions or materials removed or remedied, and such order shall be complied with by the owner or occupant of such premises or building. If such order is made by the Fire Marshal or any of the Inspectors, such owner or occupant may, within 24 hours, appeal to the Chief of the Martinsville Fire Department who shall, within five days, review such order and file his decision thereon, and, unless by his authority the order is revoked or modified, it shall remain in full force and be complied with at the time fixed in said order or decision of the Chief of the Martinsville Fire Department.
- (b) However, an owner or occupant who remains aggrieved by the decision issued pursuant to this Ordinance and the matter involves a rule of the Indiana Fire Prevention and Building Safety Commission, may appeal to such Commission as set forth by IC 36-8-17.

### **Sec.38-230 – Variances.**

- (a) An owner or occupant requesting a variance from state adopted fire and building laws as set forth by IC 22-13-2-11 shall apply for such with the Indiana Fire Prevention and Building Safety Commission in accordance with 675 IAC 12-5.
- (b) An owner or occupant requesting a variance from the provisions of this Ordinance that are not part of the state adopted fire and building laws as set forth by IC 22-13-2-11 shall apply in writing to the applicable fire marshal. The granting of a variance shall be considered only upon the written application of the owner of the property, stating that:
  - (1) Practical difficulties have been encountered in the implementation of specific requirements of this Ordinance.
  - (2) Compliance with specific requirements of this Ordinance will cause unnecessary hardship to the owner; and
  - (3) The owner desires to take advantage of new methods or equipment which is recognized as adequate for the purpose for which they are to be substituted.

- (c) A variance may be granted only if the Fire Marshal determines in writing that:
  - (1) The requested use or modification will conform with fundamental requirements for safety; and
  - (2) The granting of the variance does not increase the risk of fire or danger to the public. A copy of any variance granted shall be retained by the Fire Prevention Bureau.
- (d) A variance shall be enforced in the same manner as an order issued under Section 38-224 of this ordinance.
- (e) Whenever a Fire Prevention Bureau learns that an owner is in violation of the terms of a variance issued pursuant to this section, the Fire Prevention Chief may order compliance as provided in Section 38-223 with the variance or with this Ordinance.
- (f) Pursuant to IC 22-13-2-7(c), variances granted by political subdivisions to the fire safety laws and building laws adopted in its ordinances are not effective until it approved by the Commission.

**Sec. 38-231 – Orders to correct violations.**

- (a) If an owner or occupant fails to comply with an inspection report issued pursuant to Section 38-223 of this Ordinance or a variance issued pursuant to Section 38-230 of this Ordinance, the Fire Prevention Bureau may issue an order to compel compliance with the provisions of this Ordinance.
- (b) The failure of any Fire Prevention Bureau to inspect or to issue an order in accordance with this Ordinance shall not constitute approval of any violation or noncompliance with the provisions of this Ordinance.
- (c) Any order issued pursuant to this section shall be served upon the owner, operator, occupant or other person responsible for the building or property. Service of such order shall be by personal service, or by affixing a copy thereof in a conspicuous place at the entrance of said building or premises and by mailing a copy thereof to the owner or occupant by first class mail to the owner's or occupants last known address pursuant to IC 4-21.5-3.

**Sec. 38-232 – Order forbidding occupancy.**

- (a) The Fire Chief or his authorized representative is empowered to issue an order forbidding the occupancy of any Structure or part of Structure, in accordance with IC 36-8-17-9.
- (b) The Fire Chief or his authorized representative is empowered to issue an order forbidding continued construction of a building or Structure when the building, Structure or property under development is in violation of state or local fire prevention codes and continued work will:
  - (1) Conceal a violation of law;
  - (2) Be inaccessible to Fire Department apparatus; or
  - (3) Provide insufficient water supply as required by this Ordinance.
- (c) The order forbidding occupancy or continued construction shall be in writing, specifying whether it is applicable to the entire Structure, part of the Structure, or the property under development. The order shall state the reason for issuance and the conditions under which the Structure, part of Structure or property may be occupied, or construction continued. The order shall be posted on the Structure in a conspicuous location and if conveniently possible, shall be given to the owner of the property or his agent and to any other responsible person supervising work on the premises.

**Sec. 38-233 – Records and reports.**

- (a) The Martinsville Fire Department shall keep a record of all fires and the facts concerning them, including statistics as to the extent of fires and the losses sustained. Such reports shall be prepared into an annual summary and submitted to the jurisdictional Fire Chief. The annual summary, together with recommendations for change, shall be submitted, when requested, to the Mayor's Office.
- (b) The Martinsville Fire Department shall maintain files containing reports of all properties that have been inspected, all orders issued, of all complaints and fires investigated, and the location of all buildings containing hazardous occupancies.
- (c) Companies providing periodic inspections of fire protection systems such as fire sprinklers, fire pumps, fire alarms, kitchen hood suppression or clean agent shall submit a copy of their inspection reporting via email to the Fire Prevention Bureau.

- (d) Fire investigation reports shall not be distributed to the public when requested under public record law until the fire investigation, including any criminal investigation has been completed. A criminal investigation is considered to be complete when either formal criminal charge(s) are filed or a decision declining to do so has been made.
- (e) Persons treated for second and third degree chemical, flash and thermal burns to ten percent (10%) or more of the body or any burn to the upper respiratory tract shall be reported to the Office of the State Fire Marshal in accordance with IC 35-47-7-3.

**Sec. 38-234. - Remedies.**

Any person who shall violate any provision of this Ordinance or who shall fail to comply with any order issued under this Ordinance, or who shall fail to comply with or to obtain any permit required hereunder, shall be subject to penalties prescribed in Section 38-231 of this ordinance. After each ten (10) days a violation continues, it shall constitute an additional violation.

**Sec. 38-235. - Certificate of Occupancy**

- (a) Prior to the occupancy of any newly constructed Structure and /or tenant area, an inspection and approval must be given by the City of Martinsville Building Inspector and the Fire Chief or the Fire Marshal and/or their respective designees. After the final inspection occurs, a Certificate of Occupancy shall be signed by the City of Martinsville building official and the Fire Marshal. This will then allow the occupant to start moving into that building. Occupancy prior to the issuance of Certificate of Occupancy shall result in a fine set forth in the City building code as well as Sec. 38-902 of this ordinance.

- (b) Acceptance Testing.

Prior to the issuance of the Certificate of Occupancy for a newly-constructed, renovated, or remodeled Class 1 Structure, the City of Martinsville Fire Department is required to witness a successful acceptance or performance test in accordance with the appropriate installation standard or manufacturer's specifications for the following systems (if applicable):

- (1) Fire Alarm System;
- (2) Sprinkler System;
- (3) Special Hazard Fire Suppression System; and
- (4) Type I Hood Exhaust System.

- (c) Written Verification

Prior to the issuance of the Certificate of Occupancy for a newly-constructed, renovated, or remodeled Class 1 Structure, the City of Martinsville Fire Department requires written verification that each Fire Protection and Life-Safety System has been installed in complete agreement with the terms of the listing, manufacturer's instructions, and the applicable installation standards.

- (d) Installation Documents

Prior to the issuance of the Certificate of Occupancy for a newly constructed, renovated, or remodeled Class 1 Structure, the City of Martinsville Fire Department requires the following documentation (if applicable):

- (1) Record of Completion for Fire Alarm Systems as required by NFPA 72.
- (2) Contractor's Material and Test Certificate for Aboveground Piping for Sprinkler and Standpipe Systems as required by NFPA.
- (3) Contractor's Material and Test Certificate for Underground Piping for Private Fire Service Mains, Fire Hydrants, and Piping as required by NFPA 13 and 24.
- (4) Certificate of Completion / Installation for all Special Hazard Fire Suppression Systems.

(5) Air Balance Test Report (Type I and II Exhaust Hoods).

(e) All subsequent acceptance test (all types) are subject to the fee as specified in Sec. 38-902 of this ordinance.

### **DIVISION 3. – ENFORCEMENT RESPONSIBILITY**

#### **Sec. 38-236. - Enforcement Authority.**

- (a) The Martinsville Fire Department shall have the responsibility to enforce all provisions of this Ordinance within its jurisdiction.
- (b) A Martinsville Fire Department shall have such other powers and duties as may be conferred from time to time by law or ordinance.

#### **Sec. 38-237. - Legal assistance.**

Either Fire Prevention Bureau may obtain the services of the city attorney in connection with the enforcement of this Ordinance.

#### **Sec. 38-238. - Law enforcement assistance.**

The chief of the Martinsville Police Department or the Morgan County Sherriff may, upon request of the Fire Chief or the Fire Marshal, assign such available law enforcement officers as may be necessary to assist the Martinsville Fire Department or a Fire Prevention Bureau in the enforcement of this Ordinance.

### **ARTICLE III. - General Safety Provisions**

#### **Sec. 38-301 – Open Burning Provisions**

(a) The following types of open burning are permitted:

- (1) Fires used for celebrating Twelfth Night Ceremonies;
- (2) Fires used for celebrating school pep rallies;
- (3) Fires used for celebrating scouting activities;
- (4) Fires used for recreational and cooking purposes, i.e., camp fires;

(b) Open Burning.

- (1) **General.** A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this Section 38-301.
- (2) **Discontinuance.** The Fire Chief and/or Fire Marshal is authorized to require any instance of open burning authorized hereunder to be immediately discontinued if such open burning constitutes a hazardous condition.
- (3) **Notification.** Prior to commencement of open burning, authorized hereunder, the Fire Department and/or Fire Prevention Bureau having jurisdiction shall be notified.
- (4) **Material restrictions.** Open burning of rubbish is expressly prohibited.
- (5) **Extinguishment authority.** When open burning creates or adds to a hazardous condition, or a required permit for open burning has not been obtained, the Fire Chief, Fire Marshal or the Fire Chief's Designee is hereby authorized to order the extinguishment of the open burning operation.

- (c) Location. The location for open burning shall not be less than 50 feet (15 240 mm) from any Structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any Structure.

Exceptions:

1. Fires in approved containers that are not less than 15 feet (4572 mm) from a Structure.
  2. The minimum required distance from a Structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610mm) or less in height.
- (d) Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a Structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240mm) of a Structure shall be eliminated prior to ignition.
  - (e) Recreational fires. Recreational fires shall not be conducted within 25 feet (7620 mm) of a Structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a Structure shall be eliminated prior to ignition.
  - (f) Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a Structure or combustible material.  
  
Exception: Portable outdoor fireplaces used at one and two-family dwellings.
  - (g) Attendance. Burning material shall be constantly attended by a person knowledgeable in the use of the fire extinguishing equipment required by this section and familiar with any limitations which restrict open burning. An attendant shall supervise the burning material until the fire has been extinguished.
  - (h.) Any person violating the provisions of Sec. 38-301 shall be cited by the Fire Chief, Fire Marshal and/or Fire Chief's designee or such other duly authorized and designated employee of the City of Martinsville. A fine may be imposed against said violator as outlined in Sec. 38-902. Each day the violation continues shall be considered a separate violation.

### **Sec. 38-302. - Firefighter Safety Notification**

- (a) This Ordinance applies only to a Class 1 or Class 2 Structure for which a building permit is issued by a city, town, or county after June 30, 2018.
- (b) An applicant for a city, town, or county issued building permit for a Class 1 or Class 2 Structure must provide the following information when applying for the building permit:
  - (1) The street address of a Qualifying Property containing Advanced Structural Components.
  - (2) The name of the township and the county in which the Qualifying Property is located.
  - (3) The types of Advanced Structural Components used in the Qualifying Property.
  - (4) The location of the Advanced Structural Components used in the floor, or roof, or both, of the Qualifying Property.
- (c) The city, town, or county issued building permit application form used to comply with subsection (b) must include a place on the form for providing the information required under subsection (b).
- (d) Not later than ninety (90) days after issuing the building permit, the city, town, or county building Inspector shall send electronic notification, read receipt requested, of a Structure's use of advanced structural components to the: (1) local Martinsville Fire Department; and (2) 911 telephone call center; responsible for the area where the Structure is located.

- (e) Upon receiving a notification described under sub-section (d) of this Ordinance, the receiving 911 telephone call center shall: (1) maintain the information contained in the notification for the Qualifying Property; and (2) relay the information contained in a Qualifying Property's notification to all responding public safety units whenever dispatching public safety units to a Qualifying Property's address.
- (f) Upon a final inspection of the Structure, a label shall be affixed to the electrical meter that is 2"x2" by the building inspector that identifies that the building has engineered trusses, floor joist's or studs as part of the structural components of the building. This label will be a reflective Maltese symbol with a EL in the center.



## **ARTICLE IV. EMERGENCY PLANNING**

### **Sec. 38-401. – Crowd Manager Training and Qualifications**

Crowd Managers shall receive training as provided for in the Section 604 of the Indiana Fire Code, approved by the Fire Chief, Fire Marshal or the Fire Chief's designee, in crowd management techniques. Crowd Managers shall be:

1. At least 21 years of age;
2. The owner or operator of the business, or under the direct control and supervision of said owner or operator; and
3. Responsible for:
  - a. Maintaining clear paths of egress, assuring that the facility does not exceed its occupant load limit, initiating a fire alarm if necessary, directing occupants to exits.
  - b. Assuring general fire and life safety awareness of employees and occupants, including assuring that exit announcements are made; and
  - c. Utilizing portable fire extinguishers, as necessary.

### **Sec. 38-402. – When Required**

One trained crowd manager or crowd manager supervisor shall be provided for assembly occupancies. In the event the occupant load exceeds 250, additional trained crowd managers or crowd manager supervisors shall be provided at a ratio of 1 crowd manager or crowd manager supervisor for every 250 occupants.

Exception: For assembly occupancies used exclusively for religious worship with an occupant load not exceeding 2,000, the ratio of trained crowd managers to occupants may be reduced if approved by the Fire Chief, Fire Marshal or the Fire Chief's designee, when the existence of an approved, supervised automatic sprinkler system and the nature of the event warrant a reduction. Conversely, the Fire Chief, Fire Marshal or the Fire Chief's designee, shall require a Fire Watch in accordance with 675 IAC 22 if conditions or the nature of the activity warrant.

### **Sec. 38-403 – Fire Watch**

Any time a Fire Watch is required for temporary fire protection, each member of the Fire Watch must be an Indiana certified Firefighter. If the firefighter is not a member of the Martinsville Fire Department, the certification of the firefighter must be provided to the Martinsville Fire Department and approved by the Fire Chief prior to the beginning of the Fire Watch. Every Fire Watch shall have one firefighter for every 250 people of occupant load. Fire Watch rates for each firefighter can be found in Sec. 38 – 902 of the Martinsville Fire Protection Ordinance.

- (a) Failure to implement a Fire Watch as outlined in Sec. 38-403 shall constitute a violation of this ordinance and shall be subject to a fine as outlined in Sec. 38-902 of this ordinance.

### **Sec. 38-404. – Emergency preparedness**

Fire safety plans, fire evacuation plans and emergency evacuation drills shall be completed in accordance with 675 IAC 22.

## ARTICLE V: FIRE SERVICE FEATURES

### Sec. 38-501 – Address Identification

- (a) This section is to provide requirements to clearly identify and mark proper addresses on building located in the City of Martinsville or Washington Township, Morgan County. This section applies to existing buildings and new buildings, including buildings under construction.
- (b) Requirements.

Approved numbers or addresses on a contrasting background shall be placed above the doorway or in such a position as to be plainly visible and legible from either direction of approach from the street or road fronting the property. The minimum size dimensions of the numbers shall be as specified in Table 1. Where a building or buildings are set back from the street or road fronting the property and where addresses may not be clearly identifiable due to distance from the street or roadway or to visual obstructions such as landscaping or architectural features, address or number posting shall be required both at the street driveway serving such buildings and on the buildings. Multi-tenant buildings such as commercial strip centers will have the address on the rear door of their business as well. Residential Homes (Single Family), Individual condominiums, commercial suites and apartments shall have numbers or letters installed in accordance with the scope of this policy and Table 1. In addition, minimum 6-inch high numbers, with 7/8-inch stroke, must be used to indicate apartment range numbers. On individual dwellings, a minimum 4-inch high number, with 3/4-inch stroke, must be used.

**Table 1**

<b>Occupancy</b>	<b>Number Height</b>	<b>Stroke Width</b>
<b>Commercial/Industrial</b>	<b>6-12 inches</b>	<b>1 ½ inches</b>
<b>Multiple Unit Residential (a)</b>	<b>6-12 inches</b>	<b>1 ½ inches</b>
<b>Single family and Duplex</b>	<b>4 inches</b>	<b>¾ inches</b>

### Sec. 38-502 – Fire Lane Markings

The location of fire lanes shall be established by the Fire Chief, Fire Marshal, or the Fire Chief's designee. The Fire Chief, Fire Marshal, or his designee, can require signage or striping or any combination. Design of the fire lane markings shall be approved by the Fire Chief, Fire Marshal, or the Fire Chief's designee. The erection of and maintenance of fire lane marking signs and striping shall be the responsibility of the owner of private property upon which such lane marking signs and striping is to be installed. All markings shall remain in good visible condition as determined by the Fire Chief, Fire Marshal, or the Fire Chief's designee. The parking or standing of any obstruction, including motor vehicles, within established fire lane markings on private or public property shall be prohibited.

- (a) A written citation may be issued to any person who obstructs the fire lane by stopping, standing, parking or by any other means. A written citation may also be issued to any person who obstructs any other fire protection device such as: fire hydrants and fire department connections as outlined in Sec. 38-505. This citation fee shall be as set forth in Sec. 38-902 of this ordinance.

### Sec. 38-503 – Gates and Barricades

- (a) The Fire Chief, Fire Marshal, or the Fire Chief's designee, is authorized to approve the installation of approved gates or other barricades across fire apparatus access roads, trails or other access ways, not including public streets, alleys or highways. Approved gates or barricades shall be maintained by the property owner.

- (b) When a property is accessed through a gate or cross arm by means of a key or swipe card, it shall be equipped with a Key switch manufactured by the Knox Company. The switch will be keyed to the Martinsville Fire Department Knox key. The location to be installed will be determined by the Fire Chief, Fire Marshal or the Fire Chief's designee. This section shall apply to Class 1 Structures as well.

**Sec. 38-504. – Martinsville Fire Department connections; locations, access, signage.**

- (a) Martinsville Fire Department connections shall be located-after consulting with the Martinsville Fire Departments Fire Marshal or the Fire Marshal's Designee. The location shall be determined with respect to fire hydrants, Martinsville Fire Department access roads, apparatus water supply lines that will not obstruct other incoming apparatus, buildings, utilities, and landscaping.
- (b) Immediate access to Martinsville Fire Department connections shall always be maintained and without obstruction by fences, bushes, trees, walls, or other fixed objects. Clearance and signage shall be in accordance with 675 IAC 22.

**Sec. 38-505. - Marking of fire protection equipment, fire hydrants and apparatus access roads.**

- (a) Fire-protection equipment and fire hydrants shall be clearly identified in a manner approved by the Martinsville Fire Department to prevent obstruction by parking and other obstructions.
- (b) Fire apparatus access roads shall be constructed in accordance with the requirements in 675 IAC 22 and shall be identified as fire access roads and the provisions set forth in Section 38-506 of the ordinance shall apply.

**Sec. 38-506– Martinsville Fire Department access roads.**

- (a) Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45.72 m) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured around the perimeter of the exterior of the building or facility.
- (b) Required Martinsville Fire Department access roads or temporary-surfaced access roads within the construction site shall be installed and made serviceable prior to construction of a building or Structure and shall be maintained during construction. Martinsville Fire Department Access Roads for Class 1 and 2 Structures.
  - (1) Construction. Martinsville Fire Department or emergency access roads shall be constructed to the City of Martinsville standards and specifications and shall be subject to approval by the Fire Chief, Fire Marshal, or the Fire Chief's designee.
  - (2) Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
  - (3) Surface. Fire apparatus access roads shall be designed, constructed and maintained to support the imposed live loads of the heaviest piece of Martinsville Fire Department apparatus available to the Martinsville Fire Department and shall be provided with a surface so as to provide all weather driving capability with required ground clearances from chassis frame and appurtenances.
  - (4) The turning radius of a fire apparatus access road shall be determined after consultation with the Martinsville Fire Department and shall be at least equal to the minimum required radius for the fire apparatus. Such roads shall be designed and constructed to permit turning of the longest piece of fire apparatus available to Martinsville Fire Department
  - (5) Dead ends. Dead-end fire apparatus access roads in excess of one hundred fifty (150) feet in length shall be designed and constructed so as to allow the turning around of the longest piece of fire apparatus available to the Martinsville Fire Department.

(6) Bridges. Where a bridge or similar elevated surface is required to be utilized as part of a fire apparatus access road, the bridge shall be constructed and maintained in an approved manner. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers or approved signs shall be installed.

(7) Grade. The gradient for a fire apparatus access road shall not exceed the maximum that the apparatus available to the Martinsville Fire Department can accommodate.

(8) Obstruction and control of fire apparatus access.

The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Entrances to roads, trails or other access ways which have been closed with gates and barriers in accordance with Section 38-503 shall not be obstructed by parked vehicles.

(9) Martinsville Fire Department Access

A minimum of two means of access shall be provided for:

1. Any subdivision with 50 or more single or two-family residential lots;
2. Any development having one or more commercial, multi family, or industrial Structures, three stories or greater in height; or
3. Any development having three or more commercial, multi family, or industrial Structures of any height.

### **Sec. 38-507 – Key Boxes**

- (a) Any new Class 1 Structure that is protected by an automatic sprinkler system or Fire Alarm System which sends a local or transmitted signal, and access to, or within such Structure, or an area on that property is unduly difficult because of secure openings, and where immediate access is necessary for lifesaving or firefighting purposes or property preservation, the Fire Chief, Fire Marshal or the Fire Chief's designee, shall require a key box or other rapid entry product to be installed in an approved location(s). All Key boxes shall be purchased from Knox Box Corporation.
- (b) The key box shall contain:
  1. Keys to locked points of ingress whether on the interior or exterior of such buildings.
  2. Keys to locked mechanical equipment rooms;
  3. Keys to locked electrical rooms;
  4. Keys to elevator controls
  5. Keys to other areas as directed by the fire official
  6. Keys to Post Indicator Valves controlling the water supply for Fire Sprinkler Systems.
  7. Fire Alarm Control Panels
- (c) Alert Decals. Alert decals, approved by the Fire Chief and/or Fire Marshal to alert fire companies to the presence of security features covered by this ordinance, shall be displayed on any outside doors or windows designated by the fire official.

### **Sec. 38-508 – Water Supply**

- (a) A water supply capable of supplying the required fire flow, for firefighting purposes, as determined by Section 38-509 of this ordinance and must be provided to all premises or property upon which a Class 1 Structure, a portion of a Class 1 Structure or a Class 2 Structure is hereafter constructed. The water supply shall be provided as follows:

- (1) When a municipal water supply is available and contingent to the premises or property, fire hydrants and mains shall be installed and capable of providing the required fire flow as determined by Section 38-509 of this Article.
  
- (2) When a public water supply is not available to a premises, the water supply shall consist of a pond, stream, river, canal, lake, reservoir, quarry, pressure tank, elevated tank, swimming pool, other fixed systems, or fire department delivered portable system capable of providing the required fire flow. The on-site water supply shall be accessible to the Martinsville Fire Department and be located within one hundred fifty (150) feet of the Class 1 building or Structure being protected with an automatic fire extinguishing system. If the on-site water supply is not within one hundred fifty (150) feet of the Structure being protected, the water supply shall be connected to onsite fire hydrants and mains capable of supplying the required fire flow. The owner shall verify the water supply requirements with the Martinsville Fire Department prior to final design and construction. For buildings under construction. A water source approved by the Fire Chief, Fire Marshal or the Fire Chief's designee that is capable of supplying the required fire flow shall be made available prior to allowing combustible material to accumulate at the job site. Fire Hydrants shall be located within 400' of the Structure under construction. Fire hydrants shall be maintained clear and accessible for fire protection during all phases of construction. Water for construction purposes taken from hydrants shall in no way impede the Martinsville Fire Department use of the hydrants in emergencies.

### **Sec. 38-509 – Fire Flow Requirements**

In determining the requirements for fire flow, the Fire Chief, Fire Marshal or the Fire Chief's designee, shall utilize 675 IAC 22 Appendix B - "Fire Flow Requirements for Buildings" and 675 IAC 22 Appendix C - "Fire Hydrant Locations and Distribution" as a guide. The requirements in Appendix B & C may not be made more stringent by the Fire Chief, Fire Marshal, or the Fire Chief's designee.

### **Sec. 38-510 – Fire Hydrants**

- (a) All private hydrants and water mains shall be installed and maintained as set forth in current adopted edition of NFPA Standard #24 under the rules of the Commission. The Fire Chief and/or Fire Marshal in determining location and spacing of hydrants shall use the 2014 IFC (675 IAC 22) Appendix C as a guide.
- (b) The proposed location of private fire hydrants to supply the required fire flow shall be approved by the Martinsville Fire Department to construction of any Class 1 Structures or any addition to a Class 1 Structure. One Fire Hydrant shall be installed within 100 feet of any Martinsville Fire Department connection that serves a standpipe and/or sprinkler system or as required by the Fire Chief, Fire Marshal or the Fire Chief's designee.
- (c) Fire Hydrant Assemblies (Includes anchor tee, valve, valve box, adapter pipe Stortz connection shall be added to the large hydrant outlet, and hydrant) approved by the City of Martinsville.
  - a. Tee: Mechanical joint with 6" branch line for anchoring and locking hydrant assembly in place without thrust blocks. Clow Part No. F-1217, American Part No. A-10180, or Tyler Pipe Part No. 5-125. Include split gland.
  - b. 6" Valve and Valve Box:
  - c. Adapter Pipe: 6" diameter by 2'-0" long minimum for locking valve to hydrant.
  - d. Hydrant: AWWA C502, 5-1/4" valve opening with 6" barrel. Two 2-1/2" nozzles, one 5" nozzle, ground line breakable flange, self-draining, stainless steel bolts threads and operating nut sizes conforming to municipality standard. Mueller Centurion is accepted.

- e. Pipe Couplings: Suitable for size and gap between pipes being coupled. Dresser styles 38, 138, 40 or accepted substitution.
- f. #24 sand is the only backfill allowed for all pipe materials and sizes. #8 stone is the only material to place around hydrant drain holes.
- g. Color- Public hydrants will have the barrels painted safety yellow. The 2 1/2" hose caps will be painted the color of the size of the main the hydrant leg is attached.
- i. Private hydrant will have the barrels painted safety yellow, and the bonnets painted to match the 2 1/2" hose caps. These caps will be painted the color of the size of the main that the hydrant leg is attached.
- h. Color reference:

1. 20" main- Gold
2. 16" main- Orange
3. 12" main- Yellow
4. 10" main- Black
5. 8" main- Green
6. 6" main- Red

- (d) The installation of private fire service mains shall meet the following criteria:
  - (1) Six (6) inch dead end fire service mains that supply one (1) fire hydrant shall not exceed one hundred fifty (150) feet in length.
  - (2) Eight (8) inch dead end fire service mains that supply one (1) fire hydrant shall not exceed five hundred (500) feet in length.
  - (3) A dead-end fire service main that supplies a building fire protection system and one (1) or more fire hydrants shall be a minimum of eight (8) inches in diameter.
  - (4) A fire service main that supplies four (4) or more fire hydrants shall be tapped off a distribution supply main in two (2) separate areas (looped).

Whenever the provisions of this Ordinance require the installation of a fire hydrant, whether on public or private property, such hydrant shall meet the following specifications:

  - (1) It shall be equipped with a five and one-quarter (5&1/4) inch main valve opening with Storz Connection.
  - (2) It shall be equipped with two (2), two and one-half (2&1/2) inch hose nozzles with seven and one-half (7&1/2) national standard threads per inch;
  - (3) It shall be equipped with one (1), four and one-half (4&1/2) inch steamer nozzle with six (6) "V" threads per inch;
  - (4) It shall be constructed to be right hand opened with a square operating nut.
  - (5) The source of water supply shall be buried a minimum of five (5) feet below ground level at the hydrant and shall be constructed with a break-off feature to prevent the hydrant from leaking when damaged by collision.
  - (6) The hydrant shall be installed so the centerline of the hose outlets is a minimum of eighteen (18) inches above finished grade which shall include final landscaping where applicable.
- (e) Nonfunctional hydrants shall not be located within twenty (20) feet of any water line easement.
- (f) Only approved hydrant wrenches shall be used to open or close a fire hydrant.
- (g) A three-foot clearance must be maintained around a fire hydrant.
- (h) Testing of Private Hydrants Private hydrants shall be inspected and tested on an annual basis by a testing company to verify the flow and proper operation. The owner will maintain a copy of the test certification on the premises and send copies to the Martinsville Fire Department All hydrants shall be maintained in proper working order. Maintenance to be performed by the testing company should consist of greasing outlets, greasing the stem, and flow testing the hydrant. All test records shall be submitted to the Martinsville Fire Department.
- (i) Dead End Water Mains All other dead-end mains shall be capable of supplying the required fire flow and shall meet water company and /or NFPA 24 requirements and be approved. Buildings having a required fire flow of three thousand five hundred (3500) gpm or more shall have hydrants served by a main that loops the building or complex of buildings and reconnects back into a distribution supply main in a separate location.
- (j) Dry Hydrants For the installation of dry barrel hydrants you shall follow NFPA 1142 edition for installation as referenced by the Commission. Contact the Martinsville Fire Department having jurisdiction for testing after completion of installation.

**Sec.38-511. – Required water supply for fire protection.**

- (a) A water supply capable of supplying the required fire flow, for firefighting purposes, as determined by local ordinance, shall be provided to all premises upon which a Class 1 Structure or a portion of a Class 1 Structure is hereafter constructed. The water supply shall be provided as follows:
  - (1) When a public water supply is available to a premise, there shall be provided fire hydrants and mains capable of supplying the required fire flow.
  - (2) When a public water supply is not available to a premise, the water supply shall consist of a pond, stream, river, canal, lake, reservoir, quarry, pressure tank, elevated tank, swimming pool, other fixed systems, or Martinsville Fire Department delivered portable system capable of providing the required fire flow. The on-site water supply shall be accessible to the Martinsville Fire Department and be located within one hundred fifty (150) feet of the Class 1 building or Structure being protected with an automatic fire extinguishing system. If the on-site water supply is not within one hundred fifty (150) feet of the Structure being protected, the water supply shall be connected to onsite fire hydrants and mains capable of supplying the required fire flow. The owner shall verify the water supply requirements with the Martinsville Fire Department prior to final design and construction.
- (b) In setting the requirements for fire-flow, the Fire Marshal shall use the provisions set forth in 675 IAC 22, as a guide. Notwithstanding the provisions of this subsection, a reduction in required fire-flow, of up to seventy-five (75) percent, is allowed when the building is provided with an approved automatic sprinkler system. The resulting fire-flow shall not be less than one thousand (1,000) gallons per minute at twenty (20) psi residual utilizing one (1) test hydrant and one (1) flow hydrant.

**Sec. 38-512. - Fire protection in recreational vehicle, mobile home and manufactured housing parks, sales and storage lots.**

Recreational vehicle, mobile home and manufactured housing parks, sales lots, and storage lots, hereafter constructed or added to, shall provide, and maintain fire hydrants and access roads in accordance with 675 IAC 22.

**Sec. 91-513. – Emergency Communications**

Any time a Class 1 Structure is being built in the City of Martinsville and in Washington Township, the owner of the building shall contact the Fire Marshal for information on emergency communications equipment that may be required to be installed into the building. This equipment is a radio repeater system that is used to assist fire agencies inside the building. It will allow the Morgan County Emergency Communications radio system to function properly inside their new building.

**ARTICLE VI: EMERGENCY AND STANDBY POWER**

**38-601 – Emergency Lighting Activation Test**

An activation test of the emergency lighting equipment shall be completed monthly. The activation test shall ensure the emergency lighting activates automatically upon normal electrical disconnect and stays sufficiently illuminated for a minimum of 30 seconds.

**Sec. 38-602 – Emergency Lighting Activation Test Record**

Records for the activation test shall be maintained on the premises for a minimum of three (3) years and submitted to the Fire Chief, Fire Marshal, or the Fire Chief’s designee, upon request. The record must include the location of the emergency lighting tested, whether the unit passed or failed, the date of the test, and the person completing the test.

**Sec. 38-603 – Emergency Lighting Power Test Record**

The annual ninety (90) minute power test shall be maintained on the premises for a minimum of 3 years and submitted to the Fire Chief, Fire Marshal, or the Fire Chief’s designee, upon request. The record shall include the location of the emergency lighting tested, whether the unit passed or failed, the date of the test, and the person completing the test.

**ARTICLE VII: FIRE PROTECTION SYSTEMS**

**Sec. 38-701 – Construction Documents**

Plans for Fire Alarms Systems, Water-Based Fire Protection Systems, Fire Pumps, Special Hazard Fire Suppression Systems, High-piled Storage Arrangements and Firestop Systems shall be submitted for review to the City of Martinsville Fire Department. A fire protection permit shall be obtained for each system. Fees for such permit(s) is outlined in Sec. 38-902 of this ordinance. Each applicable submittal must contain the following information:

- a. Sprinkler / Standpipe Systems:
  - (1) One (1) Full Set of Sprinkler / Standpipe Plans.
  - (2) One (1) Full Set of Sprinkler / Standpipe Calculations.
  - (3) One (1) Copy of the Sprinkler Construction Design Release (CDR).
  - (4) One (1) Set of Manufacturer's *Cut-Sheets* for all sprinkler heads in the design.
- b. Fire Alarm Systems:
  - (1) One (1) Full Set of Fire Alarm Plans.
  - (2) One (1) Set of Battery Calculations.
  - (3) One (1) Copy of the Fire Alarm Construction Design Release (CDR).
  - (4) One (1) Set of Manufacturer's *Cut-Sheets* for the Fire Alarm Control Panel (FACP) and Fire Alarm Components.
  - (5) One (1) Fire Alarm Sequence of Operation Matrix.
- c. Special Hazard Fire Protection Systems:
  - (1) One (1) Set of Plans (if applicable).
  - (2) One (1) Set of Engineering Data (if applicable).
  - (3) One (1) Copy of the Construction Design Release (if applicable).
  - (4) One (1) Set of Manufacturer's *Cut-Sheets* for System Components.
- d. Fire Pumps:
  - (1) One (1) Copy of the Manufacturer's Fire Pump specifications.
  - (2) One (1) Copy of the Manufacturer's Certified Pump Test Characteristic Curve
- e. Firestop Systems:
  - (1) Through-Penetration Firestop Systems.
  - (2) Membrane-Penetration Firestop Systems.
  - (3) Fire-Resistant Joint Systems.
  - (4) Perimeter Fire Barrier Systems.
  - (5) Fire-Rated Duct and Air-Transfer Openings.

## **SMOKE DETECTORS AND SMOKE ALARMS**

### **Sec. 38-702– Dwellings - smoke detector and smoke alarm requirements.**

- (a) A smoke detector / smoke alarm shall be defined for the purpose of this section as a device, which detects visible or invisible products of combustion and produces an audible alarm.
- (b) Each smoke detector or smoke alarm shall detect abnormal quantities of smoke that can occur in a dwelling, shall properly operate in the normal environmental conditions of a household, and shall be in compliance with ANSI/UL 268-standard for smoke detectors for Fire Alarm Systems, or ANSI/UL 217- standard for multiple station smoke alarms.
- (c) All dwelling units within the county shall be equipped with a minimum of one (1) functional, properly located, labeled and listed smoke detector or smoke alarm as described in 675 IAC 28-1-28. Smoke detectors or smoke alarms shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the family living unit, including basements, and excluding crawl spaces and unfinished attics. Family living units with one (1) or more split-levels where there is an intervening door between one (1) level and the adjacent lower level, a smoke detector or smoke alarm shall be installed on the lower level. In new construction, a smoke detector or smoke alarm shall be installed in each sleeping room, where more than one (1) smoke detector or smoke alarm is required; the smoke detectors or smoke alarms shall be arranged so that operation of any smoke detector or smoke alarm causes the audible alarm in all smoke detectors or smoke alarms within the dwelling to sound.
- (d) All equipment shall be installed in accordance with the manufacturer's installation requirements and recommendations. If the method of installation is not specified by the manufacturer, the smoke detector or smoke alarm shall be installed on the ceiling at least four (4) inches away from the wall or on a wall with the top of the smoke detector or smoke alarm not less than four (4) inches nor more than twelve (12) inches below the ceiling. Smoke detectors or smoke alarms in rooms with ceiling slopes greater than one (1) foot in eight (8) feet horizontally shall be located at the high side of the room.
- (e) Smoke detectors or smoke alarms required by 675 IAC 13 or 675 IAC 14 shall have a power supply as specified by the respective code. All other residential smoke detectors or smoke alarms may be powered by an AC power source or a battery. If the smoke detector or smoke alarm is solely AC powered and the manufacturer does not supply installation specifications, it shall be directly attached to a junction box with power supplied either from a dedicated branch circuit or the unswitched portion of a branch circuit also used for power and lighting, such installation shall be in accordance with 675 IAC 17. If the smoke detector or smoke alarm is solely powered by a battery, such battery shall be a non-removable, non-replaceable battery capable of powering the smoke detector or smoke alarm for a minimum of ten (10) years. For any dwelling unit requiring a non-removable, non-replaceable battery capable of powering the smoke detector or smoke alarm for a minimum of ten (10) years as provided in this subsection, it shall satisfy the requirements of this subsection that any non-compliant smoke detector or smoke alarm installed in such dwelling unit prior to August 1, 2014, be replaced with a compliant smoke detector or smoke alarm at such time such non-compliant smoke detector or smoke alarm is replaced for any reason. Smoke detectors and fire alarm devices that are connected to a panel as part of a monitored Fire Alarm System, or other devices that use a low-power radio frequency wireless communication signal are exempt from the battery requirements of this section.
- (f) Where smoke detectors or smoke alarms exist in dwelling units, the warranty for the alarm shall be with the manufacturer.
- (g) It shall be unlawful for any person to tamper with or remove any smoke detector or smoke alarm, except when it is necessary for maintenance or inspection purposes. Any smoke detector or smoke alarm removed for repair, replacement or local remodeling shall be reinstalled or replaced so that it is in place and operable.
  - (1) Rental dwelling units. Each owner or manager or rental agent of the owner is responsible for the installation of required smoke detectors or smoke alarms and the repair or replacement of a required smoke detector or smoke alarm within two (2) business days after the owner, manager or rental agent is given written notification of the need to repair or replace the smoke detector or smoke alarm. Residents shall inspect and test the smoke detector or smoke alarm in accordance with manufacturer's instructions at least monthly.
  - (2) Owner dwelling units. Each owner is responsible for the installation of required smoke detectors or smoke alarms and the repair or replacement of a required smoke detector or smoke alarm within two (2) business days of finding it inoperable. An owner shall inspect and test the smoke

detector or smoke alarm for power in accordance with manufacturer's instructions at least monthly.

- (h) A person, company, or corporation violating IC 22-11-18-3, IC 22-11-18-3.5 and provisions of this article shall be subject to penalties as specified in IC 22-11-18-5 and Section 103-3 of this Ordinance. Each day such violation is permitted to continue may be deemed to constitute a separate offense; provided however the aggregate penalty for any violation shall not exceed two thousand five hundred dollars (\$2,500.00).

**Sec. 38-703 – Dwellings - Carbon monoxide detector and alarm requirements.**

- (a) A carbon monoxide detector / carbon monoxide alarm shall be defined for the purpose of this section as a device, which detects the presence of carbon monoxide (CO) gas which is a colorless, odorless, and tasteless compound produced by incomplete combustion.
- (b) Each carbon monoxide detector / carbon monoxide alarm shall detect abnormal quantities of carbon monoxide that can occur in a dwelling, shall operate in the normal environmental conditions of a household, and shall be in compliance with UL 2034-standard for single and multiple station carbon monoxide alarms or UL 1075-standard for gas and vapor detectors and sensors which are annunciated at a system control panel.
- (c) All new residential dwelling units within the county which contain fuel-fired appliances and/or attached garages shall be equipped with a minimum of one (1) functional, properly located, labeled and listed carbon monoxide detector or carbon monoxide alarm installed outside each sleeping area in the immediate vicinity of the bedrooms.
- (d) All equipment shall be installed and maintained in accordance with the 2015 edition of NFPA 720 and the manufacturer's installation and maintenance instructions.

**Sec. 38-704 – Martinsville Fire Department Connections, locations, access, and signage**

The location of the Martinsville Fire Department connections shall be approved by the Fire Chief, Fire Marshal, or the Fire Chief's designee, with respect to fire hydrants, Martinsville Fire Department access roads, fire apparatus water supply lines, buildings, utilities and landscaping. Immediate access to Martinsville Fire Department connections shall be maintained at all times and not hindered by obstructions including fences, bushes, trees, walls or other fixed or removable objects.

1. Martinsville Fire Department hose connections shall be free standing and remote from the building.
2. The connection shall be a 5" Stortz type connection.
3. The Martinsville Fire Department connection shall be located to the curb cut of the main entrance of the project site or building it serves. The connection shall be arranged to face the street, driveway, or fire access route. This location shall be placed in an area that will not interfere with access to the building when hoses are laid from the closest fire hydrant to the Martinsville Fire Department connection. The connection shall be 1 1/2 times the height of the building away from the building.
4. The Stortz connection shall be arranged so that the connection is between thirty (30) and thirty-six (36) inches above the finished grade, sidewalk, or pit box top or lid at the location of the connection.
5. The Martinsville Fire Department hose connection shall be located not more than one hundred (100) feet from the nearest fire hydrant.
6. Where the Martinsville Fire Department connection is subject to vehicular damage, the connection shall be protected as follows:
  - a. Protective post(s) shall be three (3) in diameter schedule 40 or better steel post set in thirty-six inches (36) of concrete. The inside of the post shall also be filled with concrete.
  - b. Post(s) shall be located no closer than thirty-six (36) inches from the Martinsville Fire Department connection and shall not interfere with the operation of the Stortz connection.

- c. Post(s) shall extend above ground to a height at least equal to the top of the Martinsville Fire Department hose connection.
- 7. The exposed exterior piping for the Martinsville Fire Department connection shall be painted red if it supplies a sprinkler system only, yellow if it supplies a combination sprinkler/standpipe system and green if it supplies a standpipe system only. The address for the building shall be on the riser of the Martinsville Fire Department Connection. The Stortz connection shall not be painted.
- 8. The Martinsville Fire Department Connection shall not be more than 25 feet from the curb.
- 9. Security Caps - When a building is protected by an automatic sprinkler and/or standpipe system and the Martinsville Fire Department connection is exposed to undue vandalism the Fire Chief, Fire Marshal or the Fire Chief's designee may require that a Knox Security Cap be installed. All new buildings equipped with an automatic sprinkler and/or standpipe system shall install a Knox Locking Cap on the Martinsville Fire Department connection.

## **MEANS OF EGRESS**

### **Sec. 38-705– Means of egress illumination and exit signs.**

- (a) Means of egress illumination and exit signs shall be provided and maintained in accordance with 675 IAC 13 and 675 IAC 22. Means of egress shall be illuminated and exit signs shall be maintained when the building or Structure is occupied.
- (b) Any replacement of exit signs in existing buildings or Structures or installation of additional exit signs shall meet the requirements of 675 IAC 13.
- (c) Equipment providing emergency power for the means of egress illumination and exit signs shall be maintained in an operable condition.
- (d) An activation test of emergency lighting equipment shall be completed monthly. The activation test shall ensure the emergency light activates automatically upon normal electrical disconnect and stays sufficiently illuminated for a minimum of thirty (30) seconds.
- (e) For battery-powered emergency lighting, a power test of the emergency lighting equipment shall be completed annually. The power test shall operate the emergency lighting for a minimum of ninety (90) minutes and shall remain sufficiently illuminated for the duration of the test.
- (f) Records for the activation test in Section 38-602 and power test in Section 38-603 shall be submitted to Fire Chief and/or Fire Marshal. The records shall include location of the light unit tested, whether the light unit passed or failed the test, the date the light unit was tested and the trained person completing the test.

### **Sec. 38-706 – Exit doors, stairway and elevator signs.**

- (a) Unless otherwise permitted by the rules of the Fire Prevention and Building Safety Commission, required exits shall be located in a manner that makes their availability obvious. Exits shall be unobstructed at all times. Exit and exit access doorways shall be arranged in accordance with provisions set forth in 675 IAC 13 and 675 IAC 22.
- (b) A stairway identification sign shall be at each floor landing in an interior exit stairway and ramp connecting more than three (3) stories as set forth in 675 IAC 13 and maintained as set forth in 675 IAC 22.
- (c) Instructions for operation of elevators under fire and other emergency conditions shall be as set forth in 675 IAC 21 (Safety Code for Elevators, Escalators, Manlifts and Hoists).

### **Sec. 38-706 – Means of egress continuity.**

- (a) The path of egress travel along the means of egress shall not be interrupted by any building element other than a means of egress component as set forth in 675 IAC 13. Obstructions shall not be placed in the required width of a

means of egress except projections permitted by those set forth in 675 IAC 13. The required capacity of a means of egress system shall not be diminished along the path of egress travel.

- (b) Any member of a police or Martinsville Fire Department who shall discover any fire escape or means of egress encumbered or obstructed in any manner shall report such condition to the appropriate Fire Prevention Bureau and such Fire Prevention Bureau shall immediately notify the owner or occupant to remove such encumbrance or obstacle.

### **Sec. 38-708 – Inspection of fire escapes.**

Exterior fire escapes shall comply with the requirements as set forth in 675 IAC 22. Certification by a professional engineer licensed in the State of Indiana to show compliance with this section shall be filed with the appropriate Fire Prevention Bureau upon order of the fire marshal or designee having jurisdiction over the premises.

### **Sec. 38-709 – Exit Stairwell Identification**

Each required stairwell in a building shall be identified with a letter and number. The letter shall start with A and the number will be the floor level. Example Stairwell A1 would be Stairwell A on the first floor; Stairwell A2 would be Stairwell A on the second floor. Each stairwell will have signage on the interior and exterior of each stairwell door indicating the stairwell letter/number designation. The stairwell with the roof access shall be labeled as well on each floor.

### **Sec. 38-710 – Occupant Loads**

At no time shall the occupant, owner or person responsible for the event allow overcrowding or the exceeding the maximum occupant load of a Structure. Violation of this section will result in a fine and may result in the immediate evacuation of the Structure until the allowed occupant load is reached.

### **Sec. 38-711 – Portable fire extinguishers; where required.**

- (a) Except for private dwellings, portable fire extinguishers shall be installed and maintained in all occupancies and follow NFPA 10-Standard for Portable Fire Extinguishers. A minimum of a 5lb - 3A, 40BC shall be installed in all small commercial Structures or suites.
- (b) Notwithstanding other provisions of this Ordinance, portable fire extinguisher equipment required for Class 1 residential apartment buildings shall be as follows:
  - (1) A minimum 2-A, 10-BC rated dry chemical extinguisher shall be placed within seventy-five (75) feet maximum travel distance on each floor level in all common areas of all apartments. The requirements of this paragraph are satisfied if each individual apartment shall have a minimum 1-A, 10BC rated dry chemical extinguisher installed in the unit; and
  - (2) Each laundry room and storage area shall have a minimum 2-A, 10BC rated dry chemical extinguisher. Each clubhouse and maintenance building or room shall have a minimum 2-A, 10BC rated dry chemical extinguisher place within seventy-five (75) feet maximum travel distance. Notwithstanding the provisions of this subsection, laundry rooms and storage areas contiguous to the common corridors which have proper extinguishers placed-within seventy-five maximum travel distance are exempt from this subparagraph.

### **Sec. 38-712 – Portable fire extinguishers; servicing.**

- (a) Portable fire extinguishers which are required by Section 38-709 shall be serviced and maintained as set forth in 675 IAC 22 and 675 IAC 28-1-2.

- (b) It shall be unlawful for a person to engage in the business or have an employee engage in the business of servicing portable fire extinguishers in the county without first having obtained a license in accordance with Section 38-714 of the Ordinance.

**Sec. 38-713 – Requirements for commercial kitchen exhaust equipment and fire protection equipment.**

- (a) Any new installation or alteration of existing kitchen fire suppression equipment shall be inspected by the Fire Prevention Bureau having jurisdiction prior to the kitchen cooking equipment being placed in-service. The installing company shall:
  - (1) Use installers that are distributors of the system manufacturer or approved by the manufacturer;
  - (2) Notify the Fire Prevention Bureau at least forty-eight (48) hours in advance of the system being completed for system testing; and
  - (3) File with the Fire Prevention Bureau a form stating that the system has been inspected, signed by both the fire prevention inspector and the installation company's representative. This form is to be kept on file in the Fire Prevention Bureau.
- (b) All kitchen fire suppression equipment semiannual inspections, maintenance and recharging shall be in accordance with 675 IAC 28-1-10 and use Qualified Persons that are distributors of the system manufacturer or approved by the manufacturer.

**Sec. 38-714 – Qualified Contractors**

Prior to performing installation, service, repair, inspection or maintenance of fire protection systems, the qualified person conducting such function(s) shall submit documentation to the Fire Chief, Fire Marshal or the Fire Chief's designee, verifying certification, for the company or individual, for each type of fire protection system being installed, serviced, repaired, inspected or maintained. Certification shall conform to the requirements as outlined in each applicable NFPA standard or from the manufacturer of such equipment.

**Sec. 38-715 – Unlawful interference with fire protection equipment, barricades, devices, signs and seals.**

- (a) It shall be unlawful for a person to do or permit to be done any of the following acts:
  - (1) *Key box access and fire equipment keys.* To make or cause or permit to be made or have in his or her possession any key for any key box emergency access system, Martinsville Fire Department equipment, house or building used by the Martinsville Fire Department, except upon the written order of the Fire Chief, or to fail or refuse to surrender possession of any such key upon demand of the Fire Chief;
  - (1) *Tampering with fire protection systems or equipment.* To tamper, molest, remove or in any manner interfere with, damage, or disturb any part of a fire protection system, apparatus, fire equipment, secured gates, barricades, devices, signs and seals in use in the county.
  - (2) *Injuring fire hose.* To drive any motor vehicle or railroad locomotive over any fire hose laid in any street or Martinsville Fire Department access road in the vicinity of any fire or while in use for any other purpose, or in any other way interfere with the use of such hose; or
  - (3) *Opening fire hydrants.* To use or operate any public or private hydrants or valves connected to a water system intended for fire suppression purposes without written permission from the water utility or the Martinsville Fire Department. Notwithstanding the provisions of this subsection, employees of the water utility who are authorized, members of the Martinsville Fire Department, owners of private hydrants, and members of a duly recognized facility fire brigade may operate hydrants and valves as part of their assigned duties.

- (b) Any person who shall tamper with, damage, destroy, or temporarily remove from its storage place the items outlined in Sec. 38-715 (a) of this ordinance is in violation and shall be subject to a fine as set forth in Sec. 38-902 of this ordinance.

**Sec. 38-716 – Smoke and heat removal systems or equipment; requirements.**

- (a) When smoke and heat removal systems or equipment are required in buildings hereafter constructed, they shall be installed as set forth in 675 IAC 22 and 675 IAC 13.
- (b) Prior to the installation of any engineered mechanical smoke removal system, the smoke control panel shall be of a design and location determined after consulting with the Martinsville Fire Marshal or such Fire Marshal’s designee.
- (c) Smoke removal systems shall be tested in accordance with the rules of the Commission at the expense of the owner or owner's representative. When requested by the Martinsville Fire Department or local code official or both, such test shall be conducted in their presence. Prior to conducting such test, the requesting official shall be given at least 48 hours’ notice.

**ARTICLE VIII: FIREWORKS**

**Sec. 38-801 – Consumer Fireworks**

Pursuant to I.C. § 22-11-14-6(d), I.C. § 22-11-14-10.5, and this Ordinance, and in accordance with City of Martinsville Ordinance 2016-1727 consumer fireworks may only be used in the Martinsville, Indiana, corporate limits during the days and times listed below:

- (1) Between the hours of 10:00 A.M. and twelve midnight on June 29 through July 3 and July 5th through July 9th, however, regardless of what time sunset occurs, no later than 11 P.M.
- (2) Between 10:00 A.M. and midnight on July 4th and December 31st. In the event that the hours of use for consumer fireworks listed in I.C. § 22-11-14-6(d) or I.C. § 22-11-14- 10.5(c) (3) conflict with this Ordinance, state statute shall control.

**ARTICLE IX. PENALTIES AND FEES**

**Sec. 38-901 – Fire and life safety inspections, Inspection Fees**

- (a) The Martinsville Fire Department shall perform fire and life safety inspections in Class 1 Structures under the administrative supervision of the Fire Chief pursuant to IC 36-8-17.
- (b) The Martinsville Fire Department may, as often as may be reasonably necessary inspect every structure, building, place and public way, except the interiors of private dwellings, for compliance with fire safety laws adopted by the Indiana Fire Prevention and Building Safety Commission and this Ordinance.
- (c) Upon the request of an owner or a primary lessee who resides in a private dwelling, the Martinsville Fire Department may inspect the interior of the private dwelling to determine compliance with IC 22-11-18-3.5.
- (d) Following the issuance of an inspection report that contains a violation of a fire safety law, pursuant to the enforcement procedures under Article 2, Division 2 of this ordinance, the Martinsville Fire Department may re-inspect a Structure, building or place to ensure the violation has been remedied.
- (e) All code violations will be documented on a fire inspection report form and/or citation form. Each business will be given thirty (30) days to correct code violations. Certain code violations may be given less time to correct due to their severity. A re-inspection fee for each re-inspection shall be charged as indicated in the table listed in section 38-902.

**Sec. 38-902 – Fees & Fines**

<b>Inspection Fees – Existing Structures</b>	
Annual Inspection	\$0.00
First Re-Inspection (Approximately 30 days)	\$0.00
Second Re-Inspection (Approximately 15 days)	\$75.00
Third & All subsequent (Approximately 5 days)	\$150.00

\*Exceptions may be given by the Fire Chief or Fire Marshal depending on the violation cited.

<b>Inspection / Permit Fees – New Construction</b>	
All Site / Construction Inspections	\$0.00
Fire Alarm / Sprinkler System – Initial Acceptance Test	\$0.00
Hood Suppression System – Initial Acceptance Test	\$0.00
All Subsequent Acceptance Test (all types)	\$75.00
Fire Department Occupancy Permit	\$25.00

<b>Plan Review Fees</b>	
Construction Building Plan Review	\$0.03 per sq. ft. / \$20.00 Minimum

<b>Fire Protection Permit Fees</b>	
Automatic Sprinkler System	Number of Risers x \$100.00
Fire Alarm System	Number of Alarm Zones x \$100.00
Special Hazard System (i.e. Hood Suppression System)	Number of Systems x \$50.00
Modification to an Existing System	Item being modified (i.e. Riser) x \$50.00

<b>General Fees / Fines</b>	
Fire Watch (Firefighter) Hourly Rate	\$50.00 per hour/per person
Failure to Implement a Required Fire Watch	\$350.00 per day/per person – IDHS Notified
Occupancy Without Occupancy Permit	\$250.00 per day
False / Faulty Alarms (4-6 in a calendar year)	\$100.00 each occurrence
False / Faulty Alarms (7-10 in a calendar year)	\$150.00 each occurrence
False / Faulty Alarm (alarms 11 and beyond in a calendar year)	\$250.00 each occurrence
False Alarm (Intentional)	\$500.00 each occurrence & MPD Notified
Tampering with a Life Safety System	\$500.00 each occurrence – IDHS & MPD Notified
Damage to Life Safety Component (i.e. exit, sprinkler, alarm system component etc.)	\$500.00 each occurrence
Fire Lane	\$25.00
Unlawful Open Burning	\$100.00
Fireworks (Article XII; Sec.38-1201) First Offense	\$25.00
Fireworks (Article XII; Sec. 38-1201) Second Offense	\$50.00
Fireworks (Article XII; Sec. 38-1201) Subsequent Offense	\$100.00

\*A separate fine accrues each day a violation or failure remains uncorrected.

**ARTICLE X. - FIRE REPORTING SYSTEMS**

**Sec. 38-1001 – Scope of article.**

This article is applicable to the installation and maintenance of all manual and automatic Fire Alarm Systems in new and existing Structures. Also, faulty and/or false alarms, and delayed notification of manual or automatic Fire Alarm Systems.

**Sec. 38-1002 – Monitoring of Fire Alarm Systems.**

Fire Alarm Systems required by 675 IAC 13 and 675 IAC 22 or this Ordinance shall be monitored as set forth in 675 IAC 13, 675 IAC 22, 675 IAC 28-1-28, by an approved central, proprietary or remote station service or a local alarm which gives audible and visual signals at a constantly attended location.

**Sec. 38-1003 – Notification upon Fire Alarm activation.**

- (a) The Martinsville Fire Department shall be notified immediately upon the activation of any fire alarm, except in the case of a supervised fire drill, periodic testing or maintenance of a system.
- (b) Notwithstanding subsection (a) of this section, such notice shall be required if the alarm is directly transmitted by private line
- (c) The monitoring company shall notify Morgan County 911 Communications Center immediately when the alarm is received at all times except as stated in subsection (a) of this section.
- (d) Upon the receipt of a supervisory signal from a fire alarm or fire suppression system, the central station shall perform the requirements of "Disposition of Signals" as set forth in 675 IAC 28-1-28.
- (e) Upon the receipt of a trouble signal from a fire alarm or fire suppression system, the central station shall perform the requirements of "Disposition of Signals" as set forth in 675 IAC 28-1-28.

**Sec. 38-1004 – Faulty alarms.**

(a) FALSE ALARMS.

The willful and knowing initiation or transmission of a signal, message or other notification of an event of fire when no such danger exists.

(b) EXCESSIVE FALSE ALARMS.

It shall be unlawful for any person or entity who owns or controls property in the city on which an Alarm System is installed to issue, cause to be issued, or permit the issuance of more than three false alarms in a calendar year. A person or entity who owns or controls property on which the Alarm System is installed shall receive a warning from the city for each false alarm. There shall be no distinction between fire and security false alarms.

(c) PENALTY.

The person or entity who violates section C of this Ordinance shall pay as a penalty as indicated in table 38-902.

**ARTICLE XI. - MISCELLANEOUS PROVISIONS**

**DIVISION 1. - GENERAL SAFETY**

**Sec. 38-1101 – Vacant or abandoned buildings; placarding.**

The applicable Fire Prevention Bureau may implement a program for identifying and placarding vacant or abandoned Class 1 Structures that pose an unreasonable risk hazard to firefighters who forcibly enter a building or Structure for controlling or extinguishing a fire. Unreasonable risk hazards shall include but not be limited to Structure deficiencies such as open roof(s), missing steps or stair(s), holes in floor(s), open wall(s) or shaft(s) or the illegal removal of Structure components of a building or Structure that may cause an entanglement or premature collapse hazard for firefighters.

**Sec. 38-1102 – Local Smoking Ordinance**

## SMOKING PROHIBITED

- (a) Except as otherwise provided in this subchapter, smoking shall be prohibited in the following public places and places of employment, including, but not limited to, the following areas:
- (1) Elevators;
  - (2) Restrooms, lobbies, reception areas, hallways, and any other common use areas;
  - (3) Buses, taxicabs, and other means of public transit under the authority of the city and ticket, boarding and waiting areas of public transit depots;
  - (4) Service lines;
  - (5) Retail stores;
  - (6) All areas available to and customarily used by the general public in all governmental offices, private businesses, and non-profit entities patronized by the public;
  - (7) Restaurants;
  - (8) Aquariums, galleries, libraries, and museums;
  - (9) Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance;
  - (10) Sports arenas and convention halls, including bowling facilities;
  - (11) Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, Commission, committee, including joint committees, or agencies of the city or any political subdivision of the state during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city;
  - (12) Hospitals, clinics, physical therapy facilities, doctors' offices, and dentists' offices;
  - (13) Private and semi-private rooms in nursing homes and long-term care facilities;
  - (14) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
  - (15) Polling places; and
  - (16) Private functions in other public places like restaurants, hotels, and motels.
- (b) Notwithstanding any other provisions of this section, any owner, operator, manager, or other person who controls any establishment or facility may declare that entire establishment or facility as a nonsmoking establishment.

## POLICIES REGARDING SMOKING IN PLACES OF EMPLOYMENT.

- (a) It shall be the responsibility of employers to provide a smoke-free workplace for all employees, but employers are not required to incur any expense to make structural or other physical modifications.
- (b) Within 120 days of the adoption of this subchapter, each employer having an enclosed place of employment located within the city shall adopt, implement, make known and maintain a written smoking policy that shall contain the following requirements:  
Smoking shall be prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles with more than one occupant, and all other enclosed facilities.
- (c) The smoking policy shall be communicated to all employees within three weeks of its adoption.
- (d) All employers shall supply a written copy of the smoking policy upon request to any existing or prospective employee.

## REASONABLE DISTANCE.

Smoking may occur at a reasonable distance outside any area where smoking is prohibited to ensure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or any other means. It shall be a violation for smoke to be detected in any area where smoking is prohibited.

## WHERE SMOKING IS NOT REGULATED.

Notwithstanding any other provision of this subchapter to the contrary, the following areas shall not be subject to the smoking restrictions of this subchapter:

- (1) Private residences, except when used as a licensed childcare, adult day care, or health care facility.
- (2) Hotel and motel rooms that are rented to guests and are designated as smoking rooms.
- (3) Retail tobacco stores; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this subchapter.
- (4) Outdoor areas of places of employment.
- (5) Bar.
- (6) Private club.

### **Sec. 38-1103. - Underground storage tanks; notification.**

Any person who supervises, manages, or directs the installation, retrofitting, removal or closure of underground storage tanks shall notify the appropriate Fire Prevention Bureau fourteen (14) days prior to commencement of work; however, this requirement shall not apply in emergency repair work where fourteen (14) day notification is not possible.

### **Sec. 38-1104. - Use of Grills**

- (a) Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.
- (b) LP-gas burners having a LP-gas container with a water capacity greater than 2.5 pounds (1.14 kg) [nominal 1 pound (0.454 kg) LP-gas capacity] shall not be located on combustible balconies or within 10 feet (3048 mm) of combustible construction.
- (c) Exception: Where buildings, balconies or decks are protected with an automatic sprinkler system.

## **ARTICLE XII. - PERMITS**

### **DIVISION 1. PYROTECHNICS DISPLAYS**

#### **Sec. 38-1201 – Certificate of insurance required.**

- (a) Fireworks and temporary storage, use, handling of pyrotechnic special effects material used in motion pictures, television, and theatrical and group entertainment productions shall be in accordance with IC 22-11-14,675 IAC 13 and 675 IAC 22.
- (b) A certificate of insurance conditioned for the payment of all damages which may be caused either to a person or persons in an amount of not less than one hundred thousand dollars (\$100,000.00) and to property in an amount of not less than one hundred thousand dollars (\$100,000.00), by reason of the license display, arising from any acts of the licensee, his agents, employees or subcontractors.
- (c) In accordance with the City of Martinsville Ordinance 2016-1727 the following information must also be provided By the permittee: The special permit application must be approved the City of Martinsville Board of Works and Public Safety and contain the following information to be valid:
  - a. Name, Address and Phone number of the individual person or company doing the production or display.
  - b. Name and Qualifications of the individual person or operator doing the production or display.
  - c. Contact Name, Address and Phone for whom the production or display is being performed.
  - d. A detailed location where the display shall take place
  - e. Date and Time of the display.
  - f. Estimated number of fireworks or pyrotechnical devices to be used and length of show; and

- g. A copy of a valid certificate of insurance conditioned for damages and/or injury to persons, property for said event in the amount of not less than one million dollars(\$1,000,000.00) shall be attached to and submitted with each application for and shall become part of the special permit.

A violation of this chapter constitutes a public nuisance and may be the subject of an enforcement action against same to enjoin future violations and abate continuing violations. Additionally, all other available legal remedies may be sought by the city to enforce this chapter.

Any owner who violates any provision of this chapter shall be subject to monetary penalties as outlined in Sec. 38-902, in addition to reasonable attorney's fees incurred by the city in the prosecution of the violations.

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